United Nations CRC/C/SR.1960

Convention on the Rights of the Child

Distr.: General
26 January 2015

Original: English

Committee on the Rights of the Child
Sixty-eighth session

Summary record of the 1960th (Chamber B) meeting
Held at the Palais Wilson, Geneva, on Wednesday, 21 January 2015, at 3 p.m.

Chairperson: Ms. Wijemanne (Vice-Chairperson)

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The meeting was called to order at 3.05 p.m.

Consideration of reports of States parties (*continued*)

Combined second to fourth periodic reports of Iraq (continued) (CRC/C/IRQ/2-4; CRC/C/IRQ/Q/2-4; and Add.1)

1. *At the invitation of the Chairperson, the delegation of Iraq took places at the Committee table.*

2. **Ms. Parsi** (Country Task Force) asked whether adolescents could access the health-care services available to them without being accompanied by an adult; what protection was provided to unmarried mothers and children born out of wedlock; and why young people who were to be married had to undergo a medical examination. She also wished to know how the State party planned to assist the large number of children with post-traumatic stress disorder and to reduce the high rate of crime and drug abuse among adolescents. She asked what psychological services were available to children in schools and whether the programme to assist children with learning difficulties mentioned in the State party's report had been launched.

3. She asked how the State party intended to raise the poor school attendance rate of girls; to combat illiteracy among the female population; to guarantee children living in rural areas equal access to education; and to change discriminatory attitudes towards education. Did the State party provide financial assistance to impoverished families so as to prevent their children from dropping out of school?

4. The high dropout rate of adolescents at the secondary level could be attributed in part to the poor quality of public secondary education in the State party. She asked what measures the State party planned to take to improve the quality of secondary education in public schools. Noting that many schools had been destroyed and that many teachers had fled as a result of the armed conflicts in the State party, she asked what emergency measures had been adopted by the Government of Iraq to guarantee the right of children living in conflict zones to an education. She would also like to know of the efforts made by the State party to integrate refugees and children with disabilities into the Iraqi education system and whether there were sufficient budgetary resources available to build the new schools needed to educate the growing population of children in Iraq. Lastly, she asked what steps the State party had taken to combat political corruption.

5. **Ms. Al-Nuaimi** (Iraq) said that, when arrested, adolescents were handed over to the competent police authorities and placed in pretrial detention. The adolescent remained in pretrial detention until a judge handed down a decision. Police officers dealing with adolescents observed a policy of non-violence and complied with all legislation governing juvenile detention. When conducting preliminary interviews of adolescents, police officers wore civilian clothing and kept their weapon out of sight. The Ministry of Human Rights was responsible for monitoring the detention conditions of adolescents. Police officers received training on human rights and on the proper treatment of adolescents in detention.

6. The Government of Iraq complied with all international instruments prohibiting the trade of illegal drugs and gave priority to apprehending drug traffickers. The Government had also taken steps to build the capacity of the authorities responsible for intercepting drug traffickers and for preventing the distribution of illegal drugs in the country. Police officers working in that field had been provided with special training. The Government cooperated with the International Criminal Police Organization and drug control offices in the Arab region to combat drug trafficking, and intended to devise a national programme to combat that phenomenon. The Ministry of Health provided special care to drug addicts and carried out information campaigns on the dangers of substance abuse.

7. **Mr. Al-Jizani** (Iraq) said that two laws concerning children had been passed in 2013. The first provided increased social welfare assistance to children, while the second provided special benefits for children with disabilities. In 2014, approximately 30 children had been assigned to a foster family. Most children residing in alternative care institutions had been placed there on account of family problems. The social workers attached to those institutions worked to reintegrate those children back into their family home. There were around 50 institutions caring for children with disabilities. Those institutions could care for approximately 5,000 children in total. The institutions in question employed social workers and psychologists who could provide the children residing there and their families with the necessary support. A law concerning the care and protection of children with disabilities had been adopted in 2013. The law in question defined the responsibilities of all government ministries in respect of children with disabilities.

8. The government department tasked with combating child labour was responsible for overseeing the implementation of the provisions of the Labour Code (Act No. 71 of 1987) concerning that phenomenon. The provisions in question defined the worst forms of child labour and laid down the penalties for using child labour. The labour inspectorate conducted regular visits to areas where child labour was known to be used and reported offenders to the competent authorities.

9. **Mr. Cardona Llorens**, noting that the number of children with disabilities who required assistance far exceeded the capacity of the care institutions mentioned by the delegation, asked what measures the State party envisaged taking to alleviate that situation. He also asked what programmes were in place to assist children left with physical and mental disabilities as a result of the armed conflicts in the State party. He requested additional information on the 2013 law that defined the responsibilities of all government ministries in respect of children with disabilities, and on the Government's efforts to promote the inclusion of children with disabilities in all sectors of society and in the education sector in particular. Noting that Iraqi society continued to stigmatize and discriminate against children with disabilities, he asked what efforts the State party had made to raise awareness of their plight and to counter the stigma and discrimination to which they were subject.

10. **Mr. Mezmur** asked whether the two laws passed in 2013 promoted the deinstitutionalization of children; whether the alternative care institutions operating in Iraq complied with the minimum standards applicable to such institutions; and whether all such institutions were regulated by the Government. Noting that only a small number of children had been assigned to a foster family in 2014, he asked what steps the State party had taken to promote foster care as an alternative to institutionalization. He also wished to know how the State party went about reuniting children and parents who had been separated during an armed conflict and whether it arranged alternative care for the children if their parents could not be located.

11. **Mr. Al-Bayati** (Iraq) said that not all regions of the country had been affected by armed conflict. *Da'ish* had been contained or completely driven out of some areas. Not all the persons left with disabilities as a result of the armed conflicts were children. Many persons with disabilities were being cared for by civil society or other humanitarian organizations.

12. **Mr. Al-Jizani** (Iraq) said that the Ministry of Labour and Social Affairs was carrying out a number of projects in conjunction with the United Nations Children's Fund and the United Nations Educational, Scientific and Cultural Organization. One such project was intended to eradicate the worst forms of child labour. The aim of another project was to improve the quality of the informal education provided to rural children who did not attend school with a view to integrating them into the mainstream education system in the future. The Department of Juvenile Reform was responsible for placing convicted juveniles in

correctional facilities and for caring for displaced persons. Correctional facilities housed juveniles between the ages of 15 and 18. The number of boys sent to correctional facilities exceeded the number of girls. Initiatives to rehabilitate juveniles in correctional facilities included lectures and vocational training. Each correctional facility had a medical centre, which held lectures on various health-related issues and provided health-care services to juvenile offenders. Prior to their release, juveniles underwent training to facilitate their reintegration into the labour market and into society in general. They were also given a sum of money to tide them over until they found employment. Children up to the age of 3 could remain with their mothers in prison before being returned to their extended family or placed in an alternative care institution.

13. **Mr. Al Sayed Noor** (Iraq) said that the Government was aware of the need to build more schools to accommodate the growing number of children in Iraq. The national education strategy for the period 2011–2020 aimed to afford all children equal access to education. Budgetary resources had been allocated for the purpose of building a large number of new schools, including schools for children with special needs, and vocational training centres. Families could claim social benefits and allowances provided that they met certain criteria. To claim the benefits and allowances in question, the children of those families had to be properly vaccinated and attend school. The obligation to meet those criteria was an incentive for parents to enrol their children in school instead of sending out them to work or beg on the streets.

14. A survey conducted by the Government had indicated that there were around 300,000 children who were either fully or partially orphaned in the country. The State provided all orphaned children with protection and assistance. Under Iraqi law, if either of an orphan's parents had been a civil servant and had been killed in a terrorist attack, the orphan was entitled to receive monetary compensation. If orphans lost their parents to a disease or as the result of an accident or criminal act, they were entitled to protection and assistance under the Social Welfare Act. The State gave priority to placing orphaned children with a member of their extended family and sent them to an alternative care institution, such as an orphanage, only as a last resort.

15. There was no discrimination between boys and girls in the education system. All Iraqi children were entitled to receive an education. In certain regions, the school enrolment rate of girls was higher than that of boys. The reservation entered by Iraq to article 14 of the Convention related to children's freedom of religion and not to their freedom of expression. Allowing children to change their religion ran counter to Sharia law and the traditions and customs of Iraqi society. Human rights committees operated at several different levels, including at the parliamentary and municipal levels. Their purpose was to monitor the implementation of human rights laws and to issue recommendations to the Government on human rights-related issues.

16. **Mr. Kotrane** (Country Task Force) said it was his hope that the State party would consider withdrawing its reservation to article 14 of the Convention. The article was not inconsistent with the need to safeguard a child's religious upbringing, the reason Iraq had given for its reservation. Many other countries in the region had not submitted a reservation to the article, and those that had, such as Morocco, had withdrawn them.

17. **Mr. Al Sayed Noor** (Iraq) said that many civil society organizations, which had not existed before 2003, specialized in child welfare. By law, they were fully independent, and many allowed the participation of children. The projects they had supported had sometimes been adopted by the Government. He also said that the number of children who had been specifically targeted by terrorists in 2014 was greater than it had been in 2013 and that such targeted attacks caused considerable psychological trauma. In response, the Ministry of Health had set up a commission for the psychological health of families and children, and the authorities had taken the unusual step of making psychological counselling an integral

part of the services on offer in primary health-care centres in some areas of the county. In addition, the Ministry of Education saw to it that psychological counsellors were available to schoolchildren. Lastly, discussions had been held with specialized courts with a view to providing appropriate facilities for examining child witnesses.

18. **Ms. Oviedo Fierro** asked whether children had the right to organize on their own, whether schools had forums for the participation of children and whether there were familiar facilities to which they could turn when they wished to report what was happening to them. She also wished to know what was being done to change cultural practices not entirely consistent with the provisions of the Convention.

19. **The Chairperson**, in view of reports that the State party was experiencing a shortage of schools and teachers, asked whether any initiatives had been taken to ensure that children were not denied the opportunity to attend school.

20. **Mr. Al Sayed Noor** (Iraq) said that the school environment allowed children to form associations and to take part in such activities as music or art that were in themselves forms of self-expression. NGOs set up by children were not provided for by law, however. Nor, regrettably, were efforts being made to combat cultural traditions that might be inconsistent with the Convention; nonetheless, the authorities had successfully managed to encourage religious figures to inform the public about the rights of the child.

21. An accelerated educational programme was available to those who had been unable to attend or complete primary school, and a strategy to combat increasing illiteracy had been drawn up. One of the groups targeted by the strategy was made up of children aged 15 to 18, and the aim was to bring illiteracy rates down by 50 per cent by the end of 2015. The authorities were unaware of any shortage of teachers. In fact, young graduates were clamouring to take up posts as teachers. The major stumbling block, to which the authorities had responded by having children attend school in double shifts, was the destruction of so many schools. The problem had been compounded by the large numbers of internally displaced persons, including some 300,000 school-age children, and by the emergence of the Islamic State in Iraq and the Levant. The Government's response had included opening prefabricated schools in refugee camps, hiring refugee teachers and, despite the country's dire economic circumstances, allocating funds to assist the efforts of local authorities.

22. **Mr. Kotrane** expressed concern about the legal situation of children who were taken in by their extended families or, as part of the *kafala* or sponsorship system, by other sponsors. He requested further information on the legal remedies that were available to sponsored children in the event that the sponsor broke the sponsorship contract. He also wondered what would happen to a sponsored child if, for example, his or her sponsor died. In view of reports that had indicated that children in the State party were commonly exploited for their labour or even sold and held as sex slaves, he also asked whether the Government intended to introduce tougher penalties for such offences against children, which currently led to penalties no tougher than those incurred for relatively minor infractions of labour law. In that connection, information on the measures adopted by the Government to improve monitoring of compliance with child labour laws, including in family firms and in the informal sector, would be welcome.

23. **Mr. Al-Bayati** (Iraq) said that corruption had taken root in Iraq in the wake of the country's occupation by the Armed Forces of the United States of America, that its effects on children's enjoyment of their rights were manifold and that the authorities had made every effort to combat it, not least by acceding to the United Nations Convention against Corruption. Other points to be addressed included the creation of a hotline for victims of illegal marriages in refugee camps, which had apparently received not a single call

concerning such marriages, and the current introduction of required courses on human rights in primary and secondary schools, as well as in institutions of higher learning.

24. **Mr. Al Sayed Noor** (Iraq) acknowledged that Iraqi labour law left much to be desired but said that a draft labour law, which had been making its way through the legislature until work on it had been halted by the outbreak of the current crisis, would stiffen penalties for the exploitation of child labour. Laws regarding social affairs, for their part, ensured that children who joined families other than their own had legal protections in the event of abandonment and even regulated matters of probate as they pertained to children sponsored under the Iraqi version of *kafala*. Social workers followed up on the situation of such children in order to ensure their protection and welfare.

25. **Mr. Al-Jizani** (Iraq) said that when a child became a member of another family, that child, whose parentage was generally unknown, acquired his or her new family's nationality. Children who left dysfunctional parental homes, on the other hand, generally found shelter with members of their extended families, and as such they did not come directly within the purview of the child-welfare services. He also said that the Ministry of Labour and Social Affairs had more than 500 inspectors monitoring compliance with labour laws, including those regarding child labour. It was true that penalties for violations of those laws were light, but the Ministry had sought the closure of sites where violations had been found, and many professions were not open to minors. The situation in areas occupied by the self-proclaimed Islamic State was being monitored, but security conditions were such that the Iraqi authorities currently had no say in the matter.

26. Laws providing for the participation of children in matters affecting them existed, but the question was how well they were implemented. The Children's Parliament Act, for example, was currently in draft stage. A children's parliament set up by an NGO had already gone through two election cycles and was currently preparing for a third. He himself had attended several of the parliament's sessions, and the example set by the NGO had been followed in a number of municipalities and governorates throughout the country. The drafting of the Child Protection Act involved contributions from specialists from all relevant ministries and other stakeholders. A new child-welfare policy being drafted by a unit of the Ministry of Labour and Social Affairs had been developed with the assistance of academics specializing in consultations with such stakeholders as NGOs, local authorities, parliamentary committees and even children themselves.

27. **The Chairperson**, in view of reports of widespread sexual violence, asked about the availability of contraception and abortion. She also asked whether Iraq had a programme to address the issue of street children, whose numbers seemed to be growing.

28. **Ms. Winter** (Coordinator, Country Task Force) noted that her questions about the cases of leprosy involving children who were living with their imprisoned mothers and about the reported torture of children by the police had not yet been addressed.

29. **Mr. Mezmur** wondered whether the State party's illiteracy rates, which were more than twice as high for young women as they were for young men, did not suggest that girls and boys were not on an equal footing when it came to access to schooling. He therefore asked what was being done to narrow literacy and school enrolment gaps.

30. **Mr. Cardona Llorens** asked whether girls were still treated differently from boys under Iraqi inheritance law, whether anything had been done to combat de facto discrimination against gays and lesbians, including children, and whether the Government had considered the increase in the numbers of abandoned children that could result from the criminalization of adultery.

31. **Ms. Oviedo Fierro** requested further information on the children's parliament, the issues on which it had been consulted and the ultimate outcome of those consultations.

32. **Ms. Winter** said that she wished to pass on the news that Somalia had just ratified the Convention.

The meeting was suspended at 4.40 p.m. and resumed at 5 p.m.

33. **Mr. Al-Jizani** (Iraq) said that rehabilitation centres operating under the aegis of the Ministry of Labour and Social Affairs took in street children. Each child sent by the courts to such centres was tested and provided with the necessary counselling. Accelerated learning programmes and vocational training were also provided. The aim was to enable the children to find productive employment when they reached adulthood and to prevent them from becoming repeat offenders. Where possible, efforts were made to reunite children placed in those reform institutions with their biological families. Children of unknown parentage could be housed in social institutions from their birth to the age of 18 if an alternative mode of care was not found. Such children were given Iraqi nationality by age 6 in order to allow them to complete their primary education. On the recommendation of social workers, the courts placed abandoned children in the care of one of the many properly vetted families willing to take in such children. Those placements were for a six-month trial period renewable once.

34. **Mr. Al Sayed Noor** (Iraq) said that a woman who gave birth out of wedlock could bring a case before the courts to oblige the father to recognize the child as his own on the basis of a DNA test; the mother would then be able to register the child's birth. Sexual violence and sexual exploitation had been on the rise in Iraq ever since the emergence of the criminal gang known as the Islamic State of Iraq and the Levant (ISIS) in June 2014. While plans and strategies had been developed to address the problem, they could not be implemented until the country had been liberated from the scourge of ISIS. Cases of rape and various forms of sexual exploitation perpetrated by that group were being documented and would be reported to the Human Rights Council in March 2015.

35. There had been no reported cases of torture of children in detention centres, which were monitored by various government ministries. Women in prison with children under 3 years of age could choose to keep their children with them, or the latter could be cared for by a legal guardian or by the State. Privacy was ensured for breastfeeding mothers, and prisons were equipped with nurseries that were monitored by female experts from the Ministry of Human Rights.

36. The high illiteracy rate among women between the ages of 15 and 40 years was a legacy of the past dictatorship, and a transitional justice system had been established to address the lingering problems from that period in the country's history. The literacy campaigns being conducted targeted women more than men. In accordance with sharia, male heirs were granted twice the inheritance of female heirs. Male heirs were nevertheless under obligation to protect female heirs and provide them with a decent living. In fact, legal safeguards that amounted to positive discrimination in favour of women ensured that they received lifelong pension benefits.

37. The convening of a children's parliament was a new practice in Iraq and in the region as a whole. Its purpose was not to issue legally-binding decisions, but rather to listen to children's views and teach them about democratic practices and peaceful negotiations. Legislative action taken in that regard did not prevent civil society organizations from conducting similar programmes to raise awareness of democratic practices and governance. The rights of lesbian, gay, bisexual and transgender (LGBT) persons were addressed in Iraqi law. Persons who wished to undergo sex reassignment surgery had to be examined by a team of doctors and receive permission from the courts.

38. **Mr. Cardona Llorens**, while commending the legal equality established for LGBT persons, said that he was concerned by reports of de facto discrimination against such persons, including children. Sharia allowed room for interpretation, and other Muslim

countries had been successful in applying sharia with respect to inheritance without discriminating against women. He wondered whether women and girls in Iraq might prefer to enjoy inheritance rights on an equal footing with men rather than receiving a pension.

39. **Mr. Mezmur** asked how the Government planned to address the issue of persons travelling from the Kurdistan region to other parts of the country to circumvent the law enacted to combat early marriage and forced marriage. He also asked how the State party intended to deal with cases of forced divorces, in which the wife was obliged to leave her husband and his family but was unable to return to her own family.

40. **Mr. Kotrane** asked whether the Government intended to raise the age of criminal responsibility and to regulate the length of pretrial detention for children. He wished to know whether juvenile courts were staffed with judges and investigating judges with specialized training in child-related issues. Lastly, he asked whether the Government planned to revise the legislation establishing an extenuating circumstance in rape cases in which the perpetrator married the victim.

Initial report of Iraq on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/IRQ/1; CRC/C/OPAC/IRQ/Q/1 and Add.1)

41. **Ms. Winter** (Coordinator, Country Task Force) asked the delegation to comment on the legal status of the Optional Protocol and its complete transfer into national law.

42. **Ms. Al-Shehail** (Country Task Force) said that, while national regulations clearly prohibited the enlistment of persons under 18 years of age in the Armed Forces, the use of falsified identity papers was common, and it seemed that no measures were being taken to combat that practice. According to information before the Committee, armed groups supported by State military forces recruited minors to engage in espionage activities. She asked what preventive measures the Government planned to take in that regard. She wished to know what was being done within the education system to promote a culture of peace and how the Government was raising awareness among the general public about the Convention and the Optional Protocol, as well as awareness among children about the dangers of joining armed groups. She asked how many schools were run by the Armed Forces, what type of military training the students in those schools received, and what rights they had if they wished to withdraw from the schools.

43. Noting that many children accused of terrorist acts were being illegally detained in poor conditions, she wished to know what laws were applied in such cases and whether the children could lodge complaints about their detention. She asked whether persons sentenced to the death penalty who did not hold legal identity papers to prove their age were treated as children and thereby exempt from the death sentence. Lastly, she asked whether humanitarian agencies were allowed to make contact with such children in detention and attempt to reconnect them with their families.

44. **Ms. Winter** said that she was concerned by armed groups' recruitment of children with disabilities for use as suicide bombers. While she commended the enactment of a law establishing the use of children under 15 years of age as a war crime, she noted that the offence of the use of children had not been defined in Iraqi law, and she asked if the Government planned to remedy that situation. The Government might also wish to consider allowing extradition for military offences as well as extradition on the basis of the Optional Protocol in cases where no bilateral agreement had been signed with the requesting State.

Initial report of Iraq on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/IRQ/1; CRC/C/OPSC/IRQ/Q/1 and Add.1)

45. **Mr. Kotrane** said he found it regrettable that many of the Committee's questions had gone unanswered in the State party's report and written replies. The Committee wished to know, for example, whether Iraqi law criminalized the sale of children, including by intermediaries in adoption processes. He asked whether national laws on trafficking in persons, child pornography and the sexual exploitation of children gave Iraqi courts jurisdiction over such crimes committed outside the country. Lastly, he asked whether the Criminal Code provided for the prosecution of corporations as well as individuals for offences referred to in the Optional Protocol.

46. **The Chairperson** (Country Task Force) said that she found the lack of statistical data in the report regrettable, and she asked whether the Child Welfare Authority collected such data, coordinated implementation of the Optional Protocol or monitored violations of the same. She requested information about any measures to disseminate information on the Optional Protocol to the relevant authorities and about the resources allocated for its implementation. She wished to know about any steps taken to protect child victims of trafficking and sexual exploitation, including any victim and witness protection programmes, as well as any support provided for victims' rehabilitation and reintegration in society. Lastly, she asked if any helplines had been set up for victims.

47. **Mr. Al-Bayati** (Iraq) said that there were no cases of leprosy in Iraq. The issue of impunity for rapists who married their victims had been widely discussed in the country for many years, but no decisive conclusions had been arrived at. He believed that the law should not be amended because, given the prevailing customs in tribal areas, doing so would make it difficult to protect the victims from violence at the hands of their own families. While sharia did confer on husbands the right to repudiate their wives, it also imposed penalties for abuses of that right, and Iraqi law established protections for women in such cases. The current harmonious atmosphere in parliament boded well for the future enactment of legislative amendments to address various human rights issues, including an amendment to raise the age of criminal responsibility. While the adoption of such amendments was a lengthy process that required compromise, the Government was determined to push forward such reforms.

48. **Ms. Winter** recalled her past visits to prisons in Iraq, during which prison officials had told her that several girls who had been raped by their father, uncle or grandfather were being held in prison to prevent their murder by their own families, while the perpetrators roamed free because they were deemed too important to be punished. It was important for the Government to conduct awareness-raising campaigns to inform religious authorities and the general public that the Koran did not condone honour killings.

49. **Ms. Oviedo Fierro** said that she found it difficult to understand the situation surrounding such cases in the State party and requested further clarification. Much could be done to bring about cultural changes through grassroots efforts. Above all, what was needed was for the State to provide legal protection for the child victims of such crimes.

50. **Mr. Al Sayed Noor** (Iraq) said that the offences of rape and incest should not be confused, and that Iraqi law showed no tolerance towards perpetrators of incest and in fact imposed the death penalty for that offence. Impunity for incest was impossible in Iraq, and the Ministry of Human Rights was not aware of any such cases.

The meeting rose at 6 p.m.